

Nursing Home/HLTCU CON Standards Workgroup Notes

DATE: November 10, 2016 9:30-11:30 am

LOCATION: South Grand Building Grand Conference Room, 333 S. Grand Avenue, Lansing

PURPOSE OF THE MEETING

This meeting was intended to further discuss potential changes to the existing Nursing Home/HLTCU CON Standards by review and consideration of the charges established by the CON Commission. The meeting agenda called for discussion of Charges 1-7. Chairperson Marianne Conner led the workgroup.

CHARGE 1 – REVIEW OF THE CRITERIA FOR NH-HLTCU REPLACEMENTS AND THE RELOCATION OF BEDS

Melissa Cupp reported back to the group that after discussions with the Department regarding potential changes to the wording under Section 7 (3), an agreement was reached to instead make the revisions to Section 14. Effectively, the wording eliminates the need for comparative review when the project remains in the Planning Area. Melissa will forward the wording to the group for finalization at the next workgroup meeting.

CHARGE 2 – LEASE RENEWALS

Brenda Rogers and Beth Nagel presented the findings of the Attorney General's office as to whether the definition of "obtain a health facility" in MCL 333.22203 (2) must be interpreted to include both the acquisition of a leased facility and lease renewals, or alternatively, if "obtain a health facility" might be interpreted to be limited to acquisition, and not applicable when an applicant is "retaining" the facility through a lease renewal. The AG confirmed its opinion that a lease renewal is capital and therefore subject to the CON review.

Beth further stated that the State will look to eliminate the "exceed capital expenditure threshold" in order to ensure that all lease renewals are reviewed regardless of dollar value. The group indicated they would not be in support of this and may seek other resolution to this issue.

CHARGES 3 – HIGH OCCUPANCY SUBCOMMITTEE UPDATE

Pat Anderson presented a handout the subcommittee had worked on in regards to the High Occupancy issue. The group proposed to change the rate 92% from the current 97% and base it on the most recent 12 consecutive months rather than the current three years. Wording was added that all beds must be converted to semi private or private rooms as part of this, and the new beds must be certified for both Medicare and Medicaid.

The group discussed whether there was a continued need to differentiate between rural and non-rural. Additionally, other topics such as no change in license for the prior 24 months were proposed along with a prohibition from relocating the beds for 5 years. The recent changes to the hospital and psych standards in this area were also reviewed. Pat will bring back another version to the next meeting.

CHARGE 4 – SPECIAL POPULATION SUBCOMMITTEE UPDATE

Pat Anderson presented another handout from the subcommittee proposing a new Special Population Group for Bariatric Residents. The proposal was to allocate the remaining 60 beds from Hospice to this

new group. A definition of bariatric resident along with a very simple design requirement were presented. After comments from the group on current practice with bariatric room design, it was suggested that wording similar to the Section 13 of the Review Standards might be used. Brenda Rogers reminded the subcommittee that Project Delivery Requirements will be needed as well.

CHARGE 5 – BED NEED METHODOLOGY

Lisa Rosenthal presented some background on the issues with the bed need methodology. Historically, there were issues with the data collection. A few questions were raised as to why the ADC adjustment factor was not consistent for all planning areas and why so many age categories were included in the survey but not used in the methodology. Changes are planned for the next CON Annual Survey to address the age categories. Department staff will try to get answers from Dr. Delamater on the other questions.

CHARGE 6 – QUALITY METRICS AND NATIONAL NH-HLTU TRENDS UPDATE

This charge was not discussed. The group agreed to bring this topic back for further discussion at the next meeting.

CHARGE 7 – ACQUISITION REQUIREMENTS

This charge was not discussed due to time constraints. The Department will bring this topic back for further discussion at the next meeting.

AGENDA FOR NEXT MEETING

The group identified the following needs for discussion at the next workgroup meeting:

- CHARGE 1 –NH-HLTU REPLACEMENTS AND THE RELOCATION OF BEDS
 - Review of the proposed language being drafted by Melissa Cupp.
- CHARGE 3 HIGH OCCUPANCY
 - Review of the subcommittee's draft of proposed language for high occupancy requirements.
- CHARGE 4 – SPECIAL POPULATIONS
 - Review of the proposed language being drafted by Pat Anderson for the Special Population Bed Need for Bariatrics Patients.
- CHARGE 5 – BED NEED FORMULA AND DATA SOURCES
 - Continued discussion regarding the current bed need methodology and whether changes are recommended.
- CHARGE 6 – QUALITY METRICS
 - Review if anything further is needed on this issue.
- CHARGE 7 – ACQUISITION REQUIREMENTS
 - Discussion at next meeting from the Department on this topic.

NEXT MEETING

The next meeting will be held on:

December 15, 2016 at 9:30 in the same location

Please check the CON Meetings website page for meeting materials and updates.